

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

CHLOE THOMAS,

Plaintiff,

v.

ANGELO BRADFORD LUCKETT, JR.,

Defendant.

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Case Number CIV 22-294-GLJ

JURY DEMAND

COMPLAINT

COMES NOW Plaintiff CHLOE THOMAS, and states the following causes of action against the Defendant ANGELO BRADFORD LUCKETT, JR.:

INTRODUCTION

1. This action involves the intentional battery of Plaintiff when she was struck in the head by her grandmother's husband, resulting in long-term neurological issues.

PARTIES

2. Plaintiff Chloe Thomas ("Ms. Thomas") is a citizen of Gainesville, Florida. Ms. Thomas is currently enrolled as an out-of-state student at the University of Oklahoma in Norman, Oklahoma, but maintains her permanent residence in Gainesville, Florida.

3. Defendant Angelo Bradford "Brad" Lockett, Jr. ("Lockett") is a citizen and resident of McAlester, Oklahoma, located in the Eastern District of Oklahoma.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over the claims asserted in this action based on diversity jurisdiction under 28 U.S.C. § 1332, as there is complete diversity among the parties and the amount in controversy exceeds \$75,000.00.

5. The Eastern District of Oklahoma is the appropriate venue as Defendant resides in the Eastern District and the battery at issue took place in the Eastern District of Oklahoma.

JURY DEMAND

6. Plaintiff requests a jury trial on the issues and claims set forth in this Complaint.

FACTS

7. Lockett was married to Ms. Thomas's maternal grandmother, Suzi Lockett, from 1988 until Suzi Lockett's passing in December of 2021.

8. Ms. Thomas grew up knowing Lockett as her grandfather and shared a cordial relationship with him through most of her life.

9. From a very young age, Ms. Thomas and Lockett had a playful repartee and it was common for Ms. Thomas to swat at Lockett's hands or items in his hands, such as the newspaper, and Lockett would laugh.

10. The parties' relationship continued to develop in this way, and as Ms. Thomas grew up, Lockett would playfully grab at her food, and Ms. Thomas would playfully swat his hand away, and both parties would laugh.

11. In 2020, Suzi Lockett was suffering from terminal cancer.

12. Ms. Thomas's mother, Julie Thomas, moved into the Locketts' home in McAlester, Oklahoma to help care for her mother during the final months of Suzi Lockett's life.

13. On Sunday, October 17, 2021, Ms. Thomas was visiting her mother and grandmother in the Lucketts' home, as she did most weekends that semester.

14. In the early afternoon, Ms. Thomas was warming biscuits on the Lucketts' stove top.

15. Ms. Thomas transferred the warm biscuits to a plate, and Lockett reached toward towards her plate for a biscuit.

16. Ms. Thomas playfully swatted Mr. Lockett's hand away from her meal.

17. Lockett immediately lifted his hand, reared-back and struck Ms. Thomas in the back of the head with a full-forced blow, in a "karate chop" like motion.

18. Being in shock from the assault and in an effort to protect herself from another violent blow, Ms. Thomas threw her left arm out and struck Lockett's chest, pushing him away from her.

19. Lockett aggressively moved towards Ms. Thomas, but her mother Julie intervened and prevented Lockett from a second assault.

20. Ms. Thomas's head immediately began to throb.

21. Ms. Thomas cried and hyperventilated, retreating from the dining area.

22. Suzi Lockett convinced Ms. Thomas not to call the police on Lockett.

23. Ms. Thomas then drove from McAlester to Oklahoma City, stopping briefly for food twenty minutes in.

24. Upon arriving in Oklahoma City, Ms. Thomas realized she could not remember driving there.

25. Ms. Thomas called her mother, Julie, and informed her that she had arrived in Oklahoma City but could not remember the drive.

26. Julie Thomas reserved Ms. Thomas a hotel room on October 17, 2021 so that she would not have to complete the drive to campus in her state of pain and memory loss.

27. Ms. Thomas finished the drive to campus on Monday, October 18, 2021.

28. At the time of the assault and battery, Ms. Thomas was a member of the University of Oklahoma softball team.

29. Ms. Thomas reported to softball practice on Tuesday, October 19, 2021.

30. An athletic trainer looked over Ms. Thomas and sent her back to her dorm and instructed Ms. Thomas not to drive.

31. On Wednesday October 20, 2021, Ms. Thomas walked to the training section of the Barry Switzer Center, where she met with softball team doctor Seethal Madhacarapu.

32. Dr. Madhacarapu diagnosed Ms. Thomas with a concussion.

33. Ms. Thomas spent ten days in concussion protocol until she was cleared by training staff.

34. Dr. Madhacarapu officially cleared Ms. Thomas on November 5, 2021.

35. Shortly after convalescing from her concussion, Ms. Thomas began experiencing regular and intense migraine headaches.

36. Prior to being struck in the head by Lockett, Ms. Thomas had never experienced migraine headaches.

37. Ms. Thomas has regularly sought medical care since her concussion to address these migraine headaches.

38. Various physicians, from physical therapists to neurologists, have attempted to treat Ms. Thomas's migraine headaches, thus far unsuccessfully.

39. To date, Ms. Thomas regularly sees a neurologist and therapist due to the trauma caused by Lockett striking her head.

40. Ms. Thomas has tried several different medications to address her frequent migraine headaches, none of which have effectively addressed the problem.

41. Ms. Thomas's practitioners believe a surgical procedure may be necessary to effectively treat her frequent migraine headaches.

42. Ms. Thomas has missed a significant amount of expensive college classes due to her frequent migraine headaches.

43. Ms. Thomas can no longer play softball or enjoy other activities due to her frequent migraine headaches.

COUNT I: ASSAULT & BATTERY

44. Ms. Thomas incorporates by reference the preceding paragraphs as if set out in full herein.

45. Lockett intentionally struck Ms. Thomas in her head with his hand.

46. Ms. Thomas was harmed by Lockett striking her head, and as a direct result of Lockett's battery upon her she has suffered from migraine headaches and has undergone continuous neurological treatment.

PRAYER FOR RELIEF

WHEREFORE, premises consider, Plaintiffs pray for the following relief:

- A. For a monetary judgment in favor of Plaintiff and against Defendant for compensatory damages in an amount to be determined at trial but not less than \$500,000.00;
- B. For punitive damages in the amount of treble the compensatory damages;
- C. For a jury of twelve to try this cause;

- D. That costs and attorneys' fees be taxed to Defendant; and
- E. Any other relief that this Court deems just and proper.

Dated: October 14, 2022

Respectfully Submitted,

/s/ Seamus T. Kelly

Seamus T. Kelly (*pro hac vice forthcoming*)

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